

106TH CONGRESS  
2D SESSION

# H. R. 5165

To assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2000

Mr. BLUMENAUER (for himself, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. FARR of California, Mr. KUCINICH, Mr. MCGOVERN, Mr. PALLONE, Mrs. JONES of Ohio, Mr. WEYGAND, and Mr. HOEFFEL) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Banking and Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Character  
5 Act of 2000”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) inadequate planning at the State level con-  
4 tributes to increased public and private capital costs  
5 for infrastructure development, loss of community  
6 character, and environmental degradation;

7 (2) land use planning is rightfully within the ju-  
8 risdiction of State and local governments;

9 (3) comprehensive planning and community de-  
10 velopment should be supported by the Federal Gov-  
11 ernment and State governments;

12 (4) States should provide a proper climate and  
13 context for planning through legislation in order for  
14 appropriate comprehensive land use planning and  
15 community development to occur;

16 (5) many States have outdated land use plan-  
17 ning legislation, and many States are undertaking  
18 efforts to update and reform the legislation; and

19 (6) efforts to coordinate State resources with  
20 local plans require additional planning at the State  
21 level.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) **FEDERAL LAND MANAGEMENT AGENCY.**—

25 The term “Federal land management agency”  
26 means the Bureau of Land Management, the Forest

1 Service, and any other Federal land management  
2 agency that conducts land use planning for Federal  
3 land.

4 (2) LAND USE PLANNING LEGISLATION.—The  
5 term “land use planning legislation” means a stat-  
6 ute, regulation, executive order or other action taken  
7 by a State to guide, regulate, and assist in the plan-  
8 ning, regulation, and management of land, natural  
9 resources, development practices, and other activities  
10 related to the pattern and scope of future land use.

11 (3) SECRETARY.—The term “Secretary” means  
12 the Secretary of Housing and Urban Development.

13 (4) STATE.—The term “State” means a State,  
14 the District of Columbia, the Commonwealth of  
15 Puerto Rico, the Virgin Islands, Guam, American  
16 Samoa, and the Commonwealth of the Northern  
17 Mariana Islands.

18 (5) STATE PLANNING DIRECTOR.—The term  
19 “State planning director” means the State official  
20 designated by statute or by the Governor whose  
21 principal responsibility is the drafting and updating  
22 of State guide plans or guidance documents that  
23 regulate land use and infrastructure development on  
24 a statewide basis.

1 **SEC. 4. GRANTS TO STATES FOR UPDATING LAND USE**  
2 **PLANNING LEGISLATION AND INTEGRATING**  
3 **FEDERAL LAND MANAGEMENT AND STATE**  
4 **PLANNING.**

5 (a) IN GENERAL.—The Secretary shall establish a  
6 program to provide grants to States for the purpose of  
7 assisting in—

8 (1) as a first priority, development or revision  
9 of land use planning legislation in States that cur-  
10 rently have inadequate or outmoded land use plan-  
11 ning legislation; and

12 (2) creation or revision of State comprehensive  
13 land use plans or plan elements in States that have  
14 updated land use planning legislation.

15 (b) ELIGIBILITY.—To be eligible to receive a grant  
16 under subsection (a), a State shall submit to the Sec-  
17 retary, in such form as the Secretary may require, an ap-  
18 plication demonstrating that the State's basic goals for  
19 land use planning legislation reform are consistent with  
20 all of the following guidelines:

21 (1) CITIZEN REPRESENTATION.—Citizens are  
22 notified and citizen representation is required in the  
23 developing, adopting, and updating of land use  
24 plans.

25 (2) MULTIJURISDICTIONAL COOPERATION.—In  
26 order to effectively manage the impacts of land de-

1 velopment and to provide for resource sustainability,  
2 land use plans are created based on multi-jurisdic-  
3 tional governmental cooperation, when practicable,  
4 particularly in the case of land use plans based on  
5 watershed boundaries.

6 (3) IMPLEMENTATION ELEMENTS.—Land use  
7 plans contain an implementation element that—

8 (A) includes a timetable for action and a  
9 definition of the respective roles and respon-  
10 sibilities of agencies, local governments, and  
11 other stakeholders;

12 (B) is consistent with State capital budget  
13 objectives; and

14 (C) provides the framework for decisions  
15 relating to the siting of future infrastructure  
16 development, including development of utilities  
17 and utility distribution systems.

18 (4) COMPREHENSIVE PLANNING.—There is  
19 comprehensive planning to encourage land use plans  
20 that—

21 (A) promote sustainable economic develop-  
22 ment and social equity;

23 (B) enhance community character;

1 (C) coordinate transportation, housing,  
2 education, and other infrastructure develop-  
3 ment;

4 (D) conserve historic resources, scenic re-  
5 sources, and the environment; and

6 (E) sustainably manage natural resources.

7 (5) UPDATING.—Land use plans are routinely  
8 updated.

9 (6) STANDARDS.—Land use plans reflect an ap-  
10 proach that is consistent with established profes-  
11 sional planning standards.

12 (c) USE OF GRANT FUNDS.—Grant funds received  
13 by a State under subsection (a) shall be used to obtain  
14 technical assistance in—

15 (1) drafting land use planning legislation;

16 (2) research and development for land use plan-  
17 ning programs and requirements relating to the de-  
18 velopment of State guide plans;

19 (3) conducting workshops, educating and con-  
20 sulting policy makers, and involving citizens in the  
21 planning process; and

22 (4) integrating State and regional concerns and  
23 land use plans with Federal land use plans.

24 (d) AMOUNT OF GRANT.—The amount of a grant to  
25 a State under subsection (a) shall not exceed \$500,000.

1 (e) COST-SHARING.—The Federal share of a project  
2 funded with a grant under subsection (a) shall not exceed  
3 90 percent.

4 (f) AUDITS.—

5 (1) IN GENERAL.—The Inspector General of  
6 the Department of Housing and Urban Development  
7 shall conduct an audit of a portion of the grants  
8 provided under this section to ensure that all funds  
9 provided under the grants are used for the purposes  
10 specified in this section.

11 (2) USE OF AUDIT RESULTS.—The results of  
12 audits conducted under paragraph (1) and any rec-  
13 ommendations made in connection with the audits  
14 shall be taken into consideration in awarding any fu-  
15 ture grant under this section to a State.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
17 authorized to be appropriated to carry out this section  
18 \$25,000,000 for the period of fiscal years 2001 through  
19 2005.

20 **SEC. 5. FEDERAL LAND MANAGEMENT AGENCIES.**

21 (a) LAND USE PLANNING COORDINATOR.—The head  
22 of each Federal land management agency shall designate  
23 an officer to act as coordinator working with State plan-  
24 ning directors on projects funded under section 4.

1       (b) PROVISION OF INFORMATION.—A Federal land  
2 management agency shall provide to a State planning di-  
3 rector such background information, plans, and relevant  
4 budget information as the State planning director con-  
5 siders to be needed in connection with a project funded  
6 under section 4.

7       (c) ASSISTANCE AND PARTICIPATION IN COMMUNITY  
8 ORGANIZED EVENTS.—Each Federal land management  
9 agency shall participate in any community organized  
10 events requested by the State planning director.

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